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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,190	12/22/2000	Sascha Baumeister	DE919990097US1	1332
7590	01/17/2006		EXAMINER	
Floyd A. Gonzalez IBM Corporation 2455 South Road, P386 Poughkeepsie, NY 12601			EL CHANTI, HUSSEIN A	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/746,190	BAUMEISTER ET AL.
	Examiner Hussein A. El-chanti	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 31, 34-41, 43-44, 46-47, 50-58 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 31,34-41,43,44,46,47,50-58 and 60 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

1. This action is responsive to amendment received on Oct. 19, 2005. Claims 31, 34-41, 43-44, 46-47, 50-58 and 60 are pending examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31, 34-41, 43-44, 46-47, 50-58 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Feigenbaum, U.S. Patent No. 6,339,785.

As to claims 31, 40, 46, 47, 50, 53, 54, 57 and 60, Feigenbaum teaches a method, system and program respectively for transferring remote files from a remote server to a local client, the method comprising the steps of:

receiving a file request at the local server from a local file requester to download all portions of the remote file to the local file (see col. 2 lines 40-col. 3 lines 67);  
responsive to the received file request, initiating the retrieval of all portions of the remote file to the local file; responsive to the initiating the retrieval (see col. 2 lines 40-col. 3 lines 67),

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retrieving all portions of the remote file to the local file; and making the portions retrieved at the local file available to the file requester (see col. 2 lines 40-col. 3 lines 67);

initiating the retrieval of all portions of the remote file skips portions already retrieved (see col. 2 lines 40-col. 3 lines 67);

receiving at the local client a portion request from a local portion requester to retrieve a portion of a remote file from the remote server to a local file at the client server, the remote file having one or more first portions preceding a second portion, the portion request comprising information specifying the second portion of the remote file (see col. 2 lines 40-col. 3 lines 67);

determining the status of portions received from the remote file (see col. 2 lines 40-col. 3 lines 67);

responsive to the portion request, when the status of the portions received indicates that the second portion has not been received at the local file and when one of the one or more first portions has not yet been received from the remote file, initiating from the local client the retrieval of the second portion of the remote file to the local file (see col. 2 lines 40-col. 3 lines 67); and

when the second portion has been received at a second portion of the local file, making the second portion of the local file available to the portion requester (see col. 2 lines 40-col. 3 lines 67).

As to claims 48, 51 and 55, Feigenbaum teaches the method, system and program according to claims 47, 50, and 54 respectively comprising the further steps of:

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receiving a file request at the local server from a local file requester to download all portions of the remote file to the local file;

responsive to the received file request, initiating the retrieval of all portions of the remote file to the local file; responsive to the initiating the retrieval,

retrieving all portions of the remote file to the local file; and making the portions retrieved at the local file available to the file requester (see col. 2 lines 40-col. 3 lines 67).

As to claims 52 and 56, Feigenbaum teaches the method, system and program according to claims 50 and 54 respectively wherein the retrieval performed in response to the initiating the retrieval of all portions of the remote file skips portions already retrieved (see col. 2 lines 40-col. 3 lines 67).

As to claims 34, 43, Feigenbaum teaches the method according to claims 31 and 40 respectively comprising the further steps of: when the second portion has been received at the local file, continuing the retrieval of the remote file, the retrieval continuing at the location of the remote file following the end of the second portion (see col. 2 lines 40-col. 3 lines 67).

As to claims 35, 44, Feigenbaum teaches the method according to claims 31 and 40 respectively comprising the further steps of: when portions of the remote file have been received at the local file, retrieving not received portions of the remote file at the local file; and when all portions of the remote file has been received at the local file, making all portions of the local file available to the file requester (see col. 2 lines 40-col. 3 lines 67).

As to claim 36, Feigenbaum teaches the method according to claim 31 comprising the further step of creating the local file at a local client computer system (see col. 2 lines 40-col. 3 lines 67).

As to claim 37, Feigenbaum teaches the method according to claim 36 wherein the local file created is portion addressable such that a downloaded portion can be directly accessed within the local file by a local client application (see col. 2 lines 40-col. 3 lines 67).

As to claim 38, Feigenbaum teaches the method according to claim 31 wherein the requester is an application program of a local client computer system (see col. 2 lines 40-col. 3 lines 67).

As to claim 39, Feigenbaum teaches the method according to claim 31 wherein the remote file comprises any one of binary data, text data, video data or audio data (see col. 2 lines 40-col. 3 lines 67).

As to claims 41 and 58, Feigenbaum teaches the method and program according to claims 40 and 57 respectively comprising the further steps of: a local server future file application at the local server retrieving a data file data from a file system; the remote server future file application saving the data file retrieved in the local file, the local file comprising portion addressable access to the portions of the local file for sending portions from the local file to the remote file (see col. 2 lines 40-col. 3 lines 67).

***Response to Arguments***

3. Applicant's arguments have been considered but are not persuasive.

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Applicant argues in substance that A) Feigenbaum does not disclose requesting a portion of the file other than the first portion of the file; B) Feigenbaum does not disclose retrieving all the portions of the remote file to the local file and skipping portions already downloaded.

In response to A) Feigenbaum teaches a system and method for downloading a file where the requester may request the file to be downloaded "out of order". The requested file is downloaded in portions and the downloading of the file starts at a position determined by the requestor where the requestor may choose to start downloading at an offset of 1000 as explicitly taught by Feigenbaum (see col. 2 lines 45-67). Therefore Feigenbaum teaches requesting a portion of the file other than the first portion of the file.

In response to B) Feigenbaum the requested file is downloaded in portions where the file starts downloading at a location determined by the requestor. After the requested portion is downloaded, the system continues to download the other portions of the file until all the portions of the file has been downloaded where only the portions that missing portions are downloaded (see col. 3 lines 53-col. 4 lines 9). Therefore Feigenbaum teaches retrieving all the portions of the remote file to the local file and skipping portions already downloaded.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Jan. 4, 2006

  
ARIO ETIENNE  
SUPPLEMENTARY PATENT EXAMINER  
JANUARY 4, 2006